

1. On September 12, 1995, the Commission extended the comment and reply comment period in the above-captioned proceeding in response to motions filed by the American Public Transit Association (APTA) and the Land Mobile Communications Council (LMCC).<sup>1</sup> In that Order, the comment date was extended from September 15, 1995, to October 16, 1995, and the reply comment date was extended from October 16, 1995, to November 20, 1995. This extension was consistent with the request filed by APTA, but shorter than the LMCC request. LMCC has filed a petition for reconsideration requesting a further extension of the comment period to November 20, 1995, and the reply comment period to January 5, 1996.

2. LMCC states that a further extension of time is warranted in order that the period for filing comments in this proceeding coincides with the due date of the industry's report on radio service consolidation.<sup>2</sup> LMCC states that in order to develop an organized and effective spectrum allocation plan, consolidation decisions must be made in conjunction with the decisions in this proceeding.

3. Although we previously extended the comment period in this proceeding by thirty days, LMCC correctly points out that additional time is necessary because many of the issues regarding future frequency assignment policies for the private land mobile radio services are closely related to the issues concerning the consolidation of these radio services. We therefore grant LMCC's request for reconsideration to extend the time period for filing comments to and including November 20, 1995, and for filing reply comments to and including January 5, 1996. The new comment date coincides with the due date for the industry's report on radio service consolidation.

4. Accordingly, it is hereby ordered that LMCC's request for reconsideration to extend the deadline for filing comments in this proceeding is granted.

5. This action is taken pursuant to the authority provided in Section 1.46 of the Commission Rules 47 C.F.R. § 1.46.

<sup>1</sup> DA 95-1967, 60 Fed Reg 48490 (September 19, 1995).

<sup>2</sup> The Private Land Mobile Industry was given three months from the effective date of the rules adopted in the Report and Order, PR Docket No. 92-235, 60 Fed. Reg. 37152, (July 19, 1995), in which to develop and submit a consensus plan for consolidating the twenty private land mobile radio services.

Federal Communications Commission.  
Herbert W. Zeiler,  
*Deputy Chief, Private Wireless Division,  
Wireless Telecommunications Bureau.*  
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BILLING CODE 6712-01-F

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Parts 1043 and 1160

[Ex Parte No. 55 (Sub-No. 96)]

#### Freight Operations by Mexican Motor Carriers—Implementation of North American Free Trade Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

**SUMMARY:** The purpose of this Notice is to announce implementation of the provisions of the second phase of the North American Free Trade Agreement (NAFTA) relating to land transportation, and to promulgate rules and develop an application form required to carry out the provisions. Under existing law, effective December 18, 1995, the Commission will process applications filed by Mexican motor carriers of property for operating authority to provide service across the United States-Mexico international boundary line to and from points in California, Arizona, New Mexico, and Texas, and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States.

**DATES:** Comments must be filed by November 7, 1995.

**ADDRESSES:** An original and 10 copies of comments referring to Ex Parte No. 55 (Sub-No. 96) must be sent to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Bernard Gaillard, (202) 927-5500 or Stanley M. Braverman, (202) 927-6316. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Section 6 of the Bus Regulatory Reform Act of 1982 (codified at 49 U.S.C. 10922(m)) imposed a 2-year moratorium (subject to renewal) on the Commission's issuance of new grants of operating authority to motor carriers domiciled in or owned or controlled by persons of Mexico or Canada. Under this statute, the President has the authority to remove or modify the moratorium if he determines it to be in the national interest, i.e., if overriding economic or foreign policy

considerations make such an action advisable, or if a negotiated settlement with one country or the other can be reached. Under the moratorium, the President must notify Congress in writing 60 days before the date on which the removal or modification is to take effect.

Shortly after the moratorium went into effect, the President exercised his authority and removed the moratorium with respect to Canada. The President indicated in a memorandum to the United States Trade Representative that the United States and Canada had reached a bilateral understanding that would ensure fair and equitable treatment for both U.S. and Canadian motor carriers on both sides of the international boundary line. 47 FR 54053 (1982).

The moratorium remained in place for Mexican motor carriers because the Mexican Government continued to restrict U.S. motor carriers' access to Mexico. The moratorium prohibits Mexicans from seeking operating authority that carriers of other nations can obtain.<sup>1</sup>

NAFTA was signed on December 17, 1992. It "entered into force" (i.e., it took effect) on January 1, 1994. NAFTA contemplates that the moratorium on Mexican motor carriers will be lifted in phases, and that restrictions imposed by the Mexican government on U.S. carriers operating in Mexico will be similarly relaxed.<sup>2</sup> The phases are as follows:

1. The first phase of NAFTA granted access to Mexican charter and tour bus operators to provide international transportation service between Mexico and all points in the United States;<sup>3</sup>

2. Three years after signature (December 17, 1995), NAFTA provides for access by Mexican motor property carriers into United States border States, and establishment of

<sup>1</sup> The moratorium does not entirely bar Mexican carriers from operating in the United States. Pursuant to the provisions of 49 U.S.C. 10922(m) and 10530, Mexican carriers may operate in the United States, but only in United States border commercial zones, and only pursuant to certificates of registration known as "MX certificates."

<sup>2</sup> The NAFTA schedule of liberalization does not remove all limitations on Mexican motor carrier operations in the United States. The moratorium will remain in place for Mexican carriers in the one area that was not liberalized, namely, point-to-point carriage of domestic cargo in the United States. This means that Mexican property carriers will be able to operate only in international commerce (between points in the United States and points in Mexico), but they will not be able to engage in transportation between points in the United States.

<sup>3</sup> In *Passenger Operations By Mexican Carriers—NAFTA*, 9 I.C.C.2d 1258 (1993), we crafted a special authorization for international charter and tour bus service.

companies to distribute international cargo within the United States;<sup>4</sup>

3. Three years after entry into force (January 1, 1997), NAFTA provides for access by Mexican regular-route passenger carriers to perform international service to all points in the United States;

4. Six years after entry into force, NAFTA provides for access for cross-border operations by Mexican motor property carriers to all points in the United States; and

5. Seven years after entry into force, NAFTA provides for bus services by Mexican carriers between points in the United States.

Pursuant to 49 U.S.C. 10922(m)(2)(A), the President notified Congress, on November 4, 1993, in a Statement of Administrative Action to Implement NAFTA, of his intention to modify the moratorium in conformity with the entry phases of NAFTA. We are thus instituting a rulemaking proceeding, in anticipation of the President's specific modification of the moratorium, to implement phase 2 of NAFTA, which governs international cargo transportation between the U.S.-Mexico international boundary and points in the four U.S. border States, as well as the distribution and transportation of international cargo by a Mexican-owned or controlled company based in the United States.

We will require operating certificates for private as well as for for-hire Mexican carriers of property (including exempt commodities),<sup>5</sup> because the current moratorium on grants of authority to Mexican carriers clearly includes Mexican private carriers and carriers of exempt commodities. Indeed, the phase 2 NAFTA entry provisions, which contemplate a partial lifting of the moratorium, define "truck services" as including for-hire, private, or exempt services. *North American Free Trade Agreement*, January 1, 1994, Annex I—United States (1-U-19); see also *North American Free Trade Agreement Implementation Act* (Dec. 8, 1993), Pub. L. No. 103-182, 107 Stat. 2057, 190 U.S.C.S. 3301 (1993).

Because NAFTA is designed to provide simultaneous access to each country's border States for international shipments and to allow the establishment of carriers to carry international cargo, reciprocal treatment in practice must be achieved. Accordingly, to guard against a failure to adhere to the NAFTA principles of reciprocal access for U.S. carriers in Mexico, the Commission will issue conditional grants of authority to

Mexican applicants (common carriers, contract carriers, private carriers, household goods carriers, and companies established to distribute international cargo within the United States). The certificates that we issue to Mexican motor carriers will usually be framed to authorize service:

Over irregular routes, in foreign commerce, transporting general and exempt commodities (with the usual exceptions), between ports of entry on the international boundary between the U.S. and Mexico, on the one hand, and on the other, points in California, Arizona, New Mexico, and Texas.

Condition: The duration of this grant is subject to the condition that U.S. carriers obtain reciprocal access in Mexico. This certificate will terminate 30 days after service of a Commission decision finding that reciprocal access has not been granted by Mexico.

The Commission, on its own motion or on petition by interested persons, may initiate a proceeding to determine whether Mexico has failed to grant reciprocal access. The U.S. Department of Transportation (DOT) will be invited to participate in any such proceeding. Upon a determination by the Commission that reciprocal access in Mexico has been denied, the conditional grants of authority to Mexican carriers would be terminated.<sup>6</sup>

Petitions to invoke the termination of these grants of authority will not be entertained in the absence of allegations of comprehensive efforts by Mexico to deny or discourage entry into or establishment of transportation operations within that country. All terminated grants would be reinstated upon a finding in a subsequent proceeding that reciprocity has been achieved.

In general, the application procedures and regulations that apply to United States for-hire carriers will also apply to Mexican carriers.<sup>7</sup> For example, to be issued operating certificates in accordance with current law, carriers must abide by all DOT safety regulations, comply with the Commission's insurance requirements (49 U.S.C. 10927, 49 CFR Part 1043), publish and file with the Commission applicable tariffs (49 U.S.C. 10761, 10762), and file with the Commission agents for service of process (49 U.S.C. 10330). After initiating service, carriers must maintain compliance with DOT's safety fitness standards. Failure to do so

will result in the revocation of the authority.

Attached as Appendix A is the proposed OP-1MX Application and the instructions on how it should be completed. The application is designed to collect information from Mexican applicants seeking operating authority to conduct private and for-hire motor carrier cross border operations (including the carriage of exempt commodities) into and from the four United States border States, and for Mexican-owned or controlled enterprises established in the United States to transport international cargo in foreign commerce.

We believe that a separate application form designed to authorize this phase of NAFTA service will help to avoid confusion and errors, thereby improving the speed and efficiency of the application processing. At the request of the Federal Highway Administration, our application forms will alert applicants to the safety fitness conditions imposed on all certificates by the Commission in *Safety Fitness Policy*, 8 I.C.C.2d 123 (1991), and will require a certification that the applicant can produce records demonstrating compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations. Because certain Mexican carriers may want to file "OP-2" Forms seeking authority to operate only in U.S. border commercial zones under the more limited MX certificates, rather than operating under the broader conditional licenses contemplated here, we will continue to process requests for MX certificates, unless Congress amends or repeals section 10530.

We will provide a short comment period to enable interested persons to submit written views, arguments, or representations. Comments filed with the Commission must be identified as such and must comply with the requirements for filing pleadings specified at 49 CFR 1104.1-1104.3. Pursuant to 5 CFR 1320.5(a)(iv)(A)(6), comments may also be filed with the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20403.

#### Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, we have examined the impact of this proposed action on small businesses and small organizations. We expect that the new application form designated for Mexican applicants (Form OP-1MX), and the corresponding regulations, will simplify and clarify the application process. Use of the existing Form OP-1 for these new

<sup>4</sup> Because December 17, 1995 falls on a Sunday, we will begin processing applications on Monday, December 18, 1995.

<sup>5</sup> These certificates may be obtained through the filing of an "OP-1MX Application form" for Mexican carriers.

<sup>6</sup> Reciprocal treatment does not require the establishment of identical entry procedures in both countries. Rather, NAFTA simply mandates reciprocal access in the territories of both countries.

<sup>7</sup> See 49 CFR Part 1160, along with the proposed amendments required to implement phase 2 of NAFTA.

applications, by contrast, would cause confusion and would require more work on the part of Mexican carrier applicants. Therefore, the proposed action should reduce paperwork burdens on small businesses.

#### Paperwork Burden Analysis

We have submitted notice of this rulemaking and the new application Form OP-1MX, entitled Application for Operating Authority by Mexican Carriers Provided by the North American Free Trade Agreement, to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act of 1980 [44 U.S.C. Chapter 35]. The form is designed to collect information from Mexican carriers to allow the Commission to evaluate whether an operating authority proposal meets the Commission's standards for granting certificates of authority.

We estimate that an average of 1.5 burden hours will be required to complete the proposed form. The Commission estimates it will receive approximately 18,800 applications each year for a total of 28,200 burden hours. The estimated burden hours include time for reviewing instructions, gathering and maintaining the needed data, and completing and reviewing the collection of information.

#### Environmental and Energy Considerations

We conclude that the rules proposed here will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### List of Subjects

#### 49 CFR Part 1043

Insurance, Motor Carriers, Surety Bonds.

#### 49 CFR Part 1160

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods.

Decided: October 12, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary

For the reasons set forth in the preamble, title 49, chapter X, parts 1043 and 1160 are proposed to be amended as set forth below:

#### PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

1. The authority citation for part 1043 continues to read as follows:

Authority: 49 U.S.C. 10101, 10321, 11701, 10927; 5 U.S.C. 553.

##### § 1043.1 [Amended]

2. Section 1043.1 paragraphs (a)(1) and (b) are amended as follows:

a. In paragraph (a)(1) add the words "or foreign (Mexican) motor private carrier or foreign motor carrier transporting exempt commodities" after the words "No common or contract carrier".

b. In paragraph (b) add the words "nor any foreign (Mexican) common carrier of exempt commodities" after the words "title 49 of the U.S. Code".

#### PART 1160—RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY

3. The authority citation for part 1160 continues to read as follows:

Authority: 5 U.S.C 553 and 559; 16 U.S.C. 1456; 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, 10928 and 11102.

4. In § 1160.1 a new paragraph (h) is added to read as follows:

#### § 1160.1 Applications governed by these rules.

\* \* \* \* \*

(h) Applications for Mexican carriers to operate in foreign commerce as common, contract or private motor carriers of property (including exempt items) between the U.S./Mexico border, and points in California, Arizona, New Mexico and Texas.

#### § 1160.3 [Amended]

5. In § 1160.3, paragraph (a), remove the word "and" after the words "of household goods"; add the words "and Form OP-1MX for Mexican motor property carriers" after the words "for water carriers".

#### § 1160.4 [Amended]

6. Section 1160.4, paragraphs (a)(1) and (d) are amended as follows:

a. In paragraph (a)(1) add the words "Mexican motor property carriers that perform private carriage and transport exempt items," after the words "(except household goods)".

b. In paragraph (d) introductory text add the words "including Mexican carrier applicants" after the words "household goods applications".

c. In the Note at the end of § 1160.4 add the words "Form OP-1MX for Mexican property carriers," after the words "OP-1 for motor property carriers,".

7. In § 1160.5 a new paragraph (a)(8) is added to read as follows:

#### § 1160.5 Commission review of the applications.

(a) \* \* \*

(8) All applications must be completed in English.

\* \* \* \* \*

Note: The following appendix will not appear in the Code of Federal Regulations.

BILLING CODE 7035-01-P

## Appendix A—OP-1 MX Application

INTERSTATE COMMERCE COMMISSION  
FORM OP-1MXApproved by OMB  
3120-0139APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS  
PROVIDED BY THE NORTH AMERICAN FREE TRADE AGREEMENT

Expires 12/31/95

This application is for all Mexican carriers requesting authority to transport property (including exempt items) in foreign commerce between the U.S.-Mexico Border and points in California, Arizona, New Mexico and Texas and for all Mexican owned or controlled enterprises established in the United States to transport international cargo in foreign commerce.

## FOR COMMISSION USE ONLY

Docket No. MX-\_\_\_\_\_

DOT No. \_\_\_\_\_

Filed \_\_\_\_\_

Fee No. \_\_\_\_\_

CC Approval No. \_\_\_\_\_

## SECTION I

Applicant  
Information

Do you now have authority from or an application being processed by the ICC?

☐ NO ☐ YES If yes, identify the lead docket number(s) \_\_\_\_\_

LEGAL BUSINESS NAME \_\_\_\_\_

DOING BUSINESS AS NAME \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

\_\_\_\_\_  
 Street Name and Number City State Zip Code Telephone Number

MAILING ADDRESS (If different from above) \_\_\_\_\_

\_\_\_\_\_  
 Street Name and Number City State Zip Code

REPRESENTATIVE (Person who can respond to inquiries) \_\_\_\_\_

Name and title, position, or relationship to applicant \_\_\_\_\_

\_\_\_\_\_  
 Street Name and Number City State Zip Code  
 Telephone Number ( ) FAX Number ( )

U.S. DOT Number (If available; if not, see Instructions.) \_\_\_\_\_

FORM OF BUSINESS (Check only one.)

- ☐ Corporation Mexican or U.S. State of Incorporation \_\_\_\_\_  
☐ Sole Proprietorship Name of Individual \_\_\_\_\_  
☐ Partnership Identify Partners \_\_\_\_\_

## SECTION II

## Type of Authority

You must submit a filing fee for each type of authority requested (for each box checked).

- ☐ MOTOR COMMON CARRIER OF PROPERTY (except HOUSEHOLD GOODS)  
☐ MOTOR CONTRACT CARRIER OF PROPERTY (except HOUSEHOLD GOODS)  
☐ MOTOR COMMON CARRIER OF HOUSEHOLD GOODS  
☐ MOTOR CONTRACT CARRIER OF HOUSEHOLD GOODS  
☐ PRIVATE CARRIER  
☐ UNITED STATES BASED ENTERPRISES TRANSPORTING INTERNATIONAL CARGO IN FOREIGN COMMERCE

## APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS - OP-1MX (cont.d)

**SECTION III****Insurance  
Information**

This section must be completed by ALL motor property carrier applicants. The dollar amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the Commission.

NOTE: Refer to the instructions for information on cargo insurance filing requirements for motor common carriers.

- ☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,000 pounds or more to transport:
  - ☐ Non-hazardous commodities (\$750,000).
  - ☐ Hazardous materials referenced in the Commission's insurance regulations at 49 CFR 1043.2(b)(2)(c) (\$1,000,000).
  - ☐ Hazardous materials referenced in the Commission's insurance regulations at 49 CFR 1043.2(b)(2)(b) (\$5,000,000).
- ☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,000 pounds to transport:
  - ☐ Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity of radioactive materials (\$5,000,000).
  - ☐ Commodities other than those listed above (\$300,000).

## APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS - OP-1MX (cont.d)

## SECTION IV

Safety  
Certification

**APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS** - If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

- (1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;
- (2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;
- (3) Can produce on 48 hours notice records demonstrating compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations.
- (4) Has in place a driver safety training/orientation program;
- (5) Has prepared and maintains an accident register (49 CFR 390.15);
- (6) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
- (7) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396); and
- (8) Is familiar with and has in place a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 390.5).

☐ YES

Any authority sought pursuant to this application will remain in effect only as long as the carrier satisfies the safety fitness standards of the U. S. Department of Transportation. See Safety Fitness Policy, 8 I.C.C.2d 123 (1991).

**APPLICANTS NOT SUBJECT TO THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS** - If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials, you are exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

## APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS - OP-1MX (cont.d)

**SECTION V****Affiliations**

**AFFILIATION WITH OTHER ICC-REGULATED ENTITIES.** Disclose any relationship you have or have had with any other ICC-regulated entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, ICC number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION VI****Household Goods  
Certifications**

**HOUSEHOLD GOODS MOTOR COMMON CARRIER APPLICANTS** must certify as follows: Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with ICC regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements. The proposed operations will serve a useful public purpose responsive to a public demand or need.

☐ YES

**HOUSEHOLD GOODS MOTOR CONTRACT CARRIER APPLICANTS** must certify as follows: Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with ICC regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements. The proposed service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

☐ YES

**NOTE:** Applicant may attach a supporting statement to this application to provide additional information about any of the above certifications. This evidence is optional.

## APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS - OP-1MX (cont.d)

## SECTION VII

**Applicants for  
Contract Carriage  
of Household  
Goods**

**SCOPE OF OPERATING AUTHORITY.** Complete one or both box(es) below, as applicable.

- ☐ Contracting shippers have one or more of the distinct needs delineated in *Interstate Van Lines, Inc., Extension - Household Goods*, 5 I.C.C.2d 168 (1988).

Describe briefly the distinct need(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Contracts provide for assignment of one or more vehicles for the exclusive use of each shipper in the manner specified in *Interstate Van Lines, Inc., Extension - Household Goods*, 5 I.C.C.2d 168 (1988).

## SECTION VIII

**Applicant's  
Oath**

This oath applies to all supplemental filings to this application. The signature must be that of applicant, not legal representative.

I, \_\_\_\_\_, verify under penalty of  
*Name and title*

perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, under 21 U.S.C. 853a.

Signature \_\_\_\_\_ Date \_\_\_\_\_



## APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS - OP-IMX (cont.d)

**Filing Fee Information**

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in *Section II*. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in *Section II*: \_\_\_\_\_ x filing fee \$ \_\_\_\_\_ = \$ \_\_\_\_\_

INDICATE AMOUNT \$ \_\_\_\_\_ AND METHOD OF PAYMENT

☐ CHECK or ☐ MONEY ORDER, payable to: Interstate Commerce Commission

☐ VISA ☐ MASTERCARD

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Fee Policy**

- Filing fees must be payable to the Interstate Commerce Commission, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each type of authority requested. If applicant requests multiple types of permanent authority for example, common and contract carrier authority, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with the original and one copy of the application, to Office of the Secretary (Attn: Applications), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001.
- After an application is received, the filing fee is not refundable.
- The ICC reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

**PAPERWORK BURDEN.** It is estimated that an average of 1.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Interstate Commerce Commission, Section of Publications, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120-0139), Washington, DC 20403.

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**INSTRUCTIONS FOR FORM OP-1MX**  
**APPLICATION FOR OPERATING AUTHORITY BY MEXICAN CARRIERS**  
**PROVIDED BY THE NORTH AMERICAN FREE TRADE AGREEMENT**

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These instructions will assist you in preparing accurate and complete application filings. Applications that do not contain the required information will be rejected and may result in a loss of the application fee. The application must be completed in English and typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify applicant on each supplemental page and refer to the section and item number in the application for each response.

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**SECTION I**

**ICC AUTHORITY.** If you now have any Interstate Commerce Commission authority or have an application for authority being processed at the Commission, check the "**YES**" box and indicate the docket or the MX number you have been assigned. Example: MX-987654.

**APPLICANT'S LEGAL BUSINESS NAME and DOING BUSINESS AS NAME.** The applicant's name should be your full legal business name -- the name on the incorporation certificate, partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Trucking, enter "John Jones" under **APPLICANT'S LEGAL BUSINESS NAME** and "Quick Way Trucking" under **DOING BUSINESS AS NAME**.

Because the Commission uses computers to retain information about regulated carriers, it is important to spell, space, and punctuate any name the same way each time you write it. Example: John Jones Trucking Co., Inc.; J. Jones Trucking Co., Inc.; and John Jones Trucking are considered three separate companies.

**BUSINESS ADDRESS/MAILING ADDRESS.** The business address is the physical location of the business. Example: 756 El Camino Real, Jalisco. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. **NOTE:** To receive pertinent Commission notices and to ensure that insurance documents filed on applicant's behalf are accepted, notify the Secretary in writing (Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423-0001) if the business or mailing address changes.

**REPRESENTATIVE.** If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

**U.S. DOT NUMBER.** Applicants subject to the Federal Motor Carrier Safety Regulations are required to register with U.S. Department of Transportation (U.S. DOT) within 90 days after initiating service. Motor carriers that already have been issued a U.S. DOT registration number, should provide it; applicants that have not registered with U.S. DOT should refer to the U.S. DOT information sources under the "Additional Assistance" part of these Instructions.

**FORM OF BUSINESS.** A business is either a corporation, sole proprietorship, or a partnership. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the authority applicant. If the business is a partnership, provide the name of each partner.

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**SECTION II**

**TYPE OF AUTHORITY.** Check the appropriate box(es) for the type(s) of authority you are requesting. Note: A separate filing fee is required for each type of authority requested. See "Fee Policy" in the application form.

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**INSTRUCTIONS FOR FORM OP-1MX (cont.)**

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**SECTION III**

**INSURANCE INFORMATION.** Check the appropriate box(es) to describe the type of business you will be conducting. If you operate vehicles with a gross vehicle weight rating exceeding 10,000 pounds and haul only non-hazardous materials, you are required to maintain \$750,000 minimum liability coverage for the protection of the public. Hazardous materials referred to in the Commission's insurance regulations at 49 CFR 1043.2(b)(2)(c) require \$1 million minimum liability coverage; those at 49 CFR 1043.2(b)(2)(b) require \$5 million minimum liability coverage.

If you operate only vehicles with a gross vehicle weight rating under 10,000 pounds, you must maintain \$300,000 minimum liability coverage. If you operate only such vehicles but will be transporting any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity of radioactive materials, you must maintain \$5 million minimum liability coverage.

Minimum levels of cargo insurance must be maintained by all motor property common carriers: \$5,000 for loss of or damage to property carried on any one motor vehicle and \$10,000 for loss of or damage to property occurring at any one time and place.

Appropriate insurance forms must be filed within 20 days after the date notice of your application is published in the *ICC Register*. Form BMC-91 or BMC-91X for bodily injury and property damage, Form BMC-34 for cargo liability.

The ICC does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

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**SECTION IV**

**SAFETY CERTIFICATION.** Applicants for motor carrier authority must complete the safety certification. You should check the "YES" response only if you can attest to the truth of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you operate only vehicles with a gross vehicle weight rating under 10,000 pounds and will not transport hazardous materials, you are exempt from the U.S. DOT safety fitness regulations; however, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

You must check only one of the boxes in this section.

Failure to comply with the safety fitness standards of the U. S. Department of Transportation will result in the revocation of the motor carrier authority.

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**SECTION V**

**AFFILIATIONS.** All applicants must disclose pertinent information concerning affiliations, if any, with other ICC-regulated entities.

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**SECTIONS VI  
AND VII**

**HOUSEHOLD GOODS CERTIFICATIONS.** If you are applying for household goods common carrier or household goods contract carrier authority, you must complete the appropriate certification concerning these specialized services in Section VI.

If you are applying for household goods contract carrier authority, you also must provide the information concerning your operations in Section VII.

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**SECTION VIII**

**APPLICANT'S OATH.** Applications may be prepared by the applicant or an authorized representative. In either case, the oath must be signed by the applicant. In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

## INSTRUCTIONS FOR FORM OP-1MX (cont.)

**LEGAL PROCESS  
AGENTS**

All motor carrier applicants must designate a process agent in each state where operations are authorized. Process agents who will accept legal filings on applicant's behalf are designated on ICC Form BOC-3. Form BOC-3 must be filed within 20 days after the date notice of the application is published in the *ICC Register*.

**TARIFFS**

All household goods motor common carriers and all motor common carriers that will participate in collectively set rates must have tariffs on file with the Commission and in effect before beginning operations. If you require assistance in tariff matters, contact the Commission's Automated Response Capability (ARC) telephone system - (202) 927-7600.

**STATE  
NOTIFICATION**

Before beginning operations, all applicants must contact the appropriate regulatory agencies in every state in and through which the carrier will operate to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other state regulations and procedures. Begin this process by selecting the state of California, New Mexico or Texas as your base state for payment of registration fees. See 49 CFR Part 1023. You should select the state in which you will operate the largest number of motor vehicles in the next year and contact that state's transportation agency to obtain registration forms and instructions. Failure to accomplish this state registration could subject you to substantial state penalties as well as the potential loss of your operating authority.

**MAILING  
INSTRUCTIONS**

To file for authority you must submit an original and one copy of this application with the appropriate filing fee to ICC Headquarters and one copy to the ICC Regional Office that corresponds with your business location.

**NOTE: RETAIN A COPY OF THE COMPLETED APPLICATION FORM AND ANY ATTACHMENTS FOR YOUR OWN RECORDS.**

Mailing addresses for applications:

**HEADQUARTERS**

Interstate Commerce Commission  
Office of the Secretary  
ATTN: APPLICATIONS  
1201 Constitution, N. W.  
Washington, DC 20423-0001

**REGIONAL OFFICES**

Interstate Commerce Commission  
Xerox Center  
55 West Monroe  
Suite 550  
Chicago, IL 60603-5003  
(312) 353-6204

Interstate Commerce Commission  
211 Main Street  
Suite 500  
San Francisco, CA 94105-1919  
(415) 744-6520

The states of Campeche, Chiapas, Chihuahua, Coahuila, Durango, Guanajuato, Guerrero, Hidalgo, Mexico, Michoacan, Nuevo Leon, Oaxaca, Puebla, Queretaro, Quintana Roo, San Luis Potosi, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatan, Zacatecas, and Distrito Federal.

The states of Aguascalientes, Baja California Norte, Baja California Sur, Colima, Jalisco, Morelos, Nayarit, Sinaloa, and Sonora.

## INSTRUCTIONS FOR FORM OP-1MX (cont.)

**ADDITIONAL  
ASSISTANCE****COMMISSION INFORMATION SOURCES**

Additional information on obtaining operating authority or monitoring the status of your applications is available through the Commission's Automated Response Capability (ARC) telephone system. After dialing (202) 927-7600, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following areas:

**Information Requested****MENU NUMBER**

- Status of your application 1  
(NOTE: Tracking the status of your application can be simplified and expedited if you refer to the assigned docket number when making inquiries. You will be informed of your docket number by letter sent on the date notice of your application appears in the *ICC Register*.)
- Assistance in filing your application 3
- Status of insurance and process agent filings 2
- Tariff filing 4

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate ICC staff member who will be able to assist you in other areas.

**U. S. DEPARTMENT OF TRANSPORTATION INFORMATION SOURCES****U.S. DOT Registration and Safety Ratings**

- To obtain information on registering with U.S. DOT (filing Form MCS-150) or to request a safety fitness review, write to:

Director, Motor Carrier Field Operations  
Federal Highway Administration  
U.S. Department of Transportation  
Washington, DC 20590

or call: 800 832-5660

- For information concerning a carrier's assigned safety rating, call: (800) 832-5660

**U.S. DOT Hazardous Materials Regulations**

- To obtain information on whether the commodities you intend to transport are considered to be hazardous materials:

Refer to the provisions governing hazardous materials in the Federal Motor Carrier Safety Regulations at Parts 170 through 189 of Title 49 of the Code of Federal Regulations (CFR), particularly the Hazardous Materials Table at 49 CFR Part 172, or contact U. S. DOT at (202) 366-6121.

- To obtain information about DOT hazardous materials transportation registration requirements:

Contact U.S. DOT at (202) 366-4109.